IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1985 of 2005

Between:

G. Kasiviswanatham, S/o. Chandranna,
R/o. Gopalapuram, Ravulapalem (M), East Godavari District.

..... PETITIONER

AND

1 The District Collector, Kakinada, East Godavari District.
2 The District Panchayat Officer, Kakinada, East Godavari

District.
3 The Mandal Parishad Development Officer, Ravulapalem,

East Godavari District.
4 The Gopalapuram Grampanchayat, Revulapalem Mandal, East

Godavari District, rep by its Panchayat Secretary.
5 The Sarpanch, Gopalapuram Grampanchayat, Gopalapuram,

Ravulapalem Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings Rc.Nol -- 04 dated 4-2-2005 issued by the 4th respondent is illegal, arbitrary, un-constitutional, high handed and contrary to the proceedings of the 2nd and 3rd respondents dt. 10-10-2004, 22-12-2004, and also provisions of the A.P. Panchayat Raj Act 1994, consequently direct the respondents 4 & 5 to allot and hand over the Shop No. 13 covered by R.S. No. 104/1 of Gopalapuram Village, Ravulapalem Mandal, East Godavari District in favour of the petitioner on lease, as per the orders of the 2nd respondent vide Rc.No. C/183/2004

dt. 10-10-2004 and 3rd respondent proceedings L.Pro.No. 5239/2004-A3 dated 22-12-2004 forthwith, and to pass such other or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case

For the Petitioner: Mr.J.Sreenivasa Rao, Advocate.

For Respondent Nos.1 to 3: GP for Panchayat Raj & Rural Dev.

For Respondent Nos.4 and 5: Mr. M. Prabhakar Rao, Advocate.

The Court made the following:

ORDER:

When the vacate stay petition has come up for hearing, both the parties have consented for disposal of the writ petition itself and accordingly, the writ petition is taken up for hearing and is being disposed of by this order.

The writ petition has been filed by G. Kasiviswanatham with a prayer to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring proceedings dated 04-02-2005 issued by the 4th respondent as illegal, arbitrary, unconstitutional, high handed and contrary to the proceedings of 2nd and 3rd respondents dated 10-10-2004 and 22-12-2004 and also the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and consequently direct respondents 4 and 5 to allot and handover Shop No. 13 covered by R.S No. 104/1 of Gopalapuram Village, Ravulapalem Mandal, East Godavari District in his favour on lease, as per the orders of the 2nd respondent vide Rc.No.C/183/2004 dated 10-10-2004 and the proceedings of the 3rd respondent vide proceedings L.Pro.No.5239/2004-A3 dated 22-12-2004.

It is the case of the petitioner that he was in occupation of an extent of 20 X 20 feet land in R.S.No.104/1 of Gopalapuram Village. It is his further case that a settlement has been arrived between the writ petitioner and the respondents and in pursuance of possession of the above site has been surrendered and thereupon a shopping

complex came to be constructed over the said site. It is the grievance of the petitioner that at the time of surrendering the site by him, the respondents – authorities agreed to allot one shop to him and since the 4th respondent refused to allot one of the shops, the present writ petition has been filed by him.

Heard the learned counsel for the petitioner; learned Standing Counsel appearing on behalf of respondents 3 and 4 and the learned counsel appearing for the 5th respondent.

In the writ petition, the petitioner virtually seeks a direction to be issued to the respondents – authorities to allot a shop on lease pursuant to an agreement stated to have been entered between them at the time of surrender of the site for construction of shops. It amounts to execution of the contractual terms which is not permissible to issue such direction in exercising writ jurisdiction under Article 226 of the Constitution. Giving liberty to the writ petitioner to work out his remedies in a civil Court, the writ petition is dismissed. No costs.

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29-06-2005

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To

1 The District Collector, Kakinada, East Godavari District.
2 The District Panchayat Officer, Kakinada, East Godavari

District.
3 The Mandal Parishad Development Officer, Ravulapalem,

East Godavari District.
4 The Panchayat Secretary, the Gopalapuram Grampanchayat,

Revulapalem Mandal, East Godavari District.

5 The Sarpanch, Gopalapuram Grampanchayat, Gopalapuram,

Ravulapalem Mandal, East Godavari District.

6. Two CCs to the Government Pleader for Panchayat Raj, High

Court of Andhra Pradesh, Hyderabad (OUT).

7. Two CD copies.